

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:23-cv-571-KDB-DCK**

<b>ROBERT W. JOHNSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>KATHERINE HORD SIMON, et al.,</b>	)	<b>ORDER</b>
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the Court sua sponte.

The pro se Plaintiff filed this action under the Court's federal question jurisdiction. [Doc. 1-1]. He is proceeding in forma pauperis. [Doc. 3]. On September 12, 2023, the Court dismissed the Complaint on initial review. [Id.]. The Court granted the Plaintiff 30 days to file a superseding Amended Complaint. [Id.]. The Plaintiff was cautioned that “[f]ailure to timely comply ... will result in the dismissal of this action without further notice.” [Id. at 4]. A copy of the Order on initial review was mailed to the Plaintiff at his address of record on the same day it was entered. The Plaintiff has failed to file a superseding Amended Complaint and the time to do so has expired.<sup>1</sup>

The Plaintiff appears to have abandoned this action and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss

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<sup>1</sup> The Plaintiff's only filing during the 30-day period is a “Motion to Admit Counsel for Plaintiff and Pro Se Corporation Violations Against Robert W. Johnson” [Doc. 4], which was denied on September 25, 2023 because the assigned Magistrate Judge was unable to determine what relief the Plaintiff was seeking. [Doc. 5].

the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for sua sponte dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

**IT IS, THEREFORE, ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to terminate this action.

Signed: October 19, 2023



Kenneth D. Bell  
United States District Judge

